UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,186	10/20/2003	Sheng Ye	CN920020009US1	2701

75234   7590   06/13/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
06/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 March 2008_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _23-42_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _23-42_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 3/25/08.

2.   Claims 23 – 42 are pending in the case. Claims 23, 30 and 37 are independent.

Specification

The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: the recited *"computer program product"* and the recited

"medium" of Claim 37. There is no support or antecedent basis for the recited

"computer program product" and the recited *"medium"* that allows the meaning of the

terms to be ascertained, as required in 37 CFR 1.75(d)(1).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 23 – 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

5.   Specifically, the specifics can not be ascertained from the specification nor the

drawings regarding the following limitations:

a.   transferring the at least one data unit from the one or more locations within the at least one input file to the one or more locations within the first output file specified by a mapping of the at least one data unit of the at least one input file to one or more locations within the first output file;

b.   wherein each location comprises a horizontal position, the horizontal position comprising at least one of an uppermost position of the data unit or a lowermost position of the data unit, and a vertical position, the vertical position comprising at least one of the leftmost position of the data unit or the rightmost position of the data unit; and

c.   wherein each data unit is defined based on at least one of: at least one string, at least one absolute position of the data unit within the input file, at least one relative position of the data unit to a start or end of at least one of a row or column of the input file, and at least one relative position of the data unit to another data unit.

6.   Further, claims 23 – 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7.   Again, the specifics about the above mentioned limitations can not be ascertained from the specification nor the drawings. It is not understood how the

claimed invention is suppose to operate even in light of the disclosure, thus, effecting

the interpretation of the claims under 35 USC 102(b).

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 23 – 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Barr

(Programming Embedded Systems in C and C++).

10.   **Regarding independent claim 23**,

Barr teaches that a symbol table somewhere in the object file that contains the

names and locations of all the variables and functions referenced within the source file

(p 2, third full paragraph), which meet the limitation of **defining at least one data unit**

of the at least one input file; determining one or more locations within the at least

one input file of the at least one data unit;

Barr teaches that the contents of an object file can be thought of as a very large,

flexible data structure. The structure of the file is usually defined by a standard format. If

you'll be using more than one compiler (i.e., you'll be writing parts of your program in

different source languages), you need to make sure that each is capable of producing

object files in the same format (p 2, first full paragraph), which meet the limitation of

transferring the at least one data unit from the one or more locations within the at

least one input file to the one or more locations within the first output file

specified by a mapping of the at least one data unit of the at least one input file to one or more locations within the first output file;

Barr teaches that a symbol table somewhere in the object file that contains the names and locations of all the variables and functions referenced within the source file (p 2, third full paragraph), which meet the limitation of **wherein each location comprises a horizontal position, the horizontal position comprising at least one of an uppermost position of the data unit or a lowermost position of the data unit, and a vertical position, the vertical position comprising at least one of the leftmost position of the data unit or the rightmost position of the data unit.**

Barr teaches that each of these sections contains one or more blocks of code or data that originated within the original source file (p 2, second full paragraph), which meet the limitation of **wherein each data unit is defined based on at least one of: at least one string, at least one absolute position of the data unit within the input file, at least one relative position of the data unit to a start or end of at least one of a row or column of the input file, and at least one relative position of the data unit to another data unit;**

11.   **Regarding dependent claims 24 and 25,** Barr teaches that all of the code blocks are collected into a section called text (p 2, second full paragraph), which meet the limitation of **the at least one string is within the data unit and the at least one string is adjacent to the data unit.**

12.   **Regarding dependent claim 26**, Barr teaches that regardless of the input

language (C/C++, assembly, or any other), the output of the cross-compiler will be an

object file. This is a specially formatted binary file that contains the set of instructions

and data resulting from the language translation process (p 1, fourth paragraph), which

meet the limitation of **the step of transferring the at least one data unit comprises**

transforming the at least one data unit from a first format to a second format.

13.   **Regarding dependent claim 27**, Barr teaches that the contents of an object file

can be thought of as a very large, flexible data structure. The structure of the file is

usually defined by a standard format. If you'll be using more than one compiler (i.e.,

you'll be writing parts of your program in different source languages), you need to make

sure that each is capable of producing object files in the same format (p 2, first full

paragraph), which meet the limitation of **further comprising a step of generating a**

second output file from the at least one input file by transferring the at least one

instance of the data unit from the one or more locations within the at least one

input file to the one or more locations within the second output file specified by

the mapping of the at least one data unit of the at least one input file to one or

more locations within the first output file.

14.   **Regarding dependent claim 28**, Barr teaches that the contents of an object file

can be thought of as a very large, flexible data structure. The structure of the file is

usually defined by a standard format. If you'll be using more than one compiler (i.e.,

you'll be writing parts of your program in different source languages), you need to make sure that each is capable of producing object files in the same format (p 2, first full paragraph), which meet the limitation of **further comprising a step of generating a second output file from the at least one input file by transferring the at least one instance of the data unit from the one or more locations within the at least one input file to one or more locations within the new output file specified by a mapping of the at least one data unit of the at least one input file to one or more locations within the second output file**.

15.   **Regarding dependent claim 29**, Barr teaches that the contents of an object file can be thought of as a very large, flexible data structure. The structure of the file is usually defined by a standard format. If you'll be using more than one compiler (i.e., you'll be writing parts of your program in different source languages), you need to make sure that each is capable of producing object files in the same format (p 2, first full paragraph), which meet the limitation of **further comprising the step of generating a second output file from at least one new file by determining one or more locations within the at least another new file of the at least one data unit of the at least one input file and transferring the at least one data unit from the determined one or more locations within the at least one new file to the one or more locations within the output file specified one or more locations within the new output file specified by the mapping of the at least one data unit of the at least one input file to one or more locations within the first output file**.

16.   **Regarding claims 30 - 42**, the claims incorporate substantially similar subject

matter as claims 23 – 29 and are rejected along the same rationale.

Response to Arguments

17.   Applicant's arguments filed 3/25/08 have been fully considered but they are not

persuasive.

18.   Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount

to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the

references.

19.   Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not

clearly point out the patentable novelty which he or she thinks the claims present in view

of the state of the art disclosed by the references cited or the objections made. Further,

they do not show how the amendments avoid such references or objections.

Conclusion

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

      A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NATHAN HILLERY whose telephone number is

(571)272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00

p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NH

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